

May 4, 1983

LB 198, 602, 17

says that...up above, which occurs naturally, and a good argument could be made that it would say, hey, it...

SPEAKER NICHOL: One minute.

SENATOR VICKERS: ...is natural for the water to run out of the river as Senator Kahle indicated out into these areas. Now if that is the case, how are they going to be able to charge for water which naturally percolates down? You know water, if you upset a cup of coffee or you upset a glass of water, it does have a tendency to run down. I mean I have irrigated enough, Senator Kahle, to know that water runs downhill, and whether it is natural or whether you intentionally cause it to do it, it is still going to run downhill. So to say that if it percolates down from one reason it is intentional and if it percolates down for another reason it is just natural, I suggest to you that the natural law of physics is that water percolates down, period. And how they are going to define that differently in the courts is more than I will ever know. Now the proponents of LB 198 say it is a great bill and part of it is but I think they are going to be tied up in the courts for a long, long time when they start applying these fees for that incidental use of that water and I think that reducing the fee is going to cut down on some of that objection that is going to get them into court as soon as those fees and charges go out, I can assure them. So I would urge the body's adoption of Senator Haberman's and my amendment recognizing that it has nothing whatsoever to do with future water storage projects.

SPEAKER NICHOL: The question is the return of the bill for a special amendment. All those in favor vote aye, opposed nay. Have you all voted? Senator Vickers.

SENATOR VICKERS: I would ask for a record vote, Mr. President.

SPEAKER NICHOL: Okay, a record vote has been...record, Mr. Clerk, with a record vote.

CLERK: (Record vote read. See pages 1953 and 1954, Legislative Journal.) 16 ayes, 20 nays, Mr. President.

SPEAKER NICHOL: The motion fails. Do you have anything you want to read in, Mr. Clerk?

CLERK: Mr. President, I have a letter of transmittal from the Clerk to the Secretary of State regarding LB 602.

Senator Newell would like to print amendments to LB 17.